

Amendment No. 13 to SB7001

Beavers
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 7001*

House Bill No. 7001

by adding the following language as a new, appropriately designated section immediately preceding the penultimate section and by renumbering subsequent sections accordingly:

Section _____. Tennessee Code Annotated, Title 3, Chapter 1, Part 1, is amended by adding the following language as a new sections:

3-1-118.

A legislator, by himself or herself or through others, shall not intentionally:

(1) Use or attempt to use his or her influence as a member of the general assembly in any matter which involves a substantial conflict between his or her personal interest and his or her duties in the public interest. A violation of this subdivision is a Class A misdemeanor;

(2) Use his or her official position or office to obtain financial gain for himself or herself, any members of the legislator's family, or a business associate of the legislator. A violation of this subdivision is a Class D felony;

(3) Use or attempt to use his or her official position to secure or create privileges, exemptions, advantages, or treatment for himself, herself, or others in direct contravention of the public interest at large. A violation of this subdivision is a Class A misdemeanor;

(4) Use public funds, time, or personnel for his or her private gain or that of another, unless the use is authorized by law. A violation of this subdivision is a Class A misdemeanor;

(5) Use public funds, time, or personnel for partisan political campaign activity, unless the use is:

(A) Authorized by law; or

(B) Properly incidental to another activity required or authorized by law, such as elections to constitutional or party offices within the general assembly. A violation of this subdivision is a Class A misdemeanor; or

(6) Use his or her official legislative stationery, or a facsimile thereof, to solicit a vote or a contribution for his, her or another person's campaign for election or reelection to public office, or use the great seal of the state of Tennessee on his or her campaign stationery or campaign literature. For purposes of this subdivision, "official legislative stationery" means the stationery used by a legislator on a day-to-day basis for correspondence related to his or her duties as a member of the general assembly. A violation of this subdivision is ethical misconduct.

3-1-119.

(a) Except as provided in subsection (b), a legislator shall not intentionally vote on any motion in a subcommittee of a standing committee, a standing committee, or during the consideration of a bill on third and final consideration, including any amendment to such bill, on the floor of the general assembly, or vote, or make a decision in his or her official capacity on any matter:

(1) In which the legislator, or any member of the legislator's immediate family or the legislator's business associate, will derive a direct monetary gain or suffer a direct monetary loss as a result of the legislator's vote or decision; or

(2) Which relates specifically to a business in which the legislator owns or controls an interest of ten thousand dollars (\$10,000) or more, or an interest of more than five percent (5%).

As used in this subsection and subsection (b), "immediate family member" means a child living in the legislator's home or the legislator's spouse.

A violation of this subsection is a Class D felony and may subject the legislator to the expulsion provisions of Article II, Section 12, of the constitution of the state of Tennessee.

(b) The provisions of subsection (a) notwithstanding, a legislator may:

(1) Vote on legislation affecting the legislator's salary, expenses, benefits, and allowances, as provided by law; or

(2) Participate in the discussion of any motion or question in a subcommittee of a standing committee, a standing committee, or during the consideration of a bill on third and final consideration, including any amendment to such bill, on the floor, or vote, or make a decision on a matter if any benefit or detriment which accrues to the member of the general assembly, as a member of a business, profession, occupation, or other group, or to a member of the legislator's immediate family or a business interest specified in subsection (a)(2) of this section is of no greater extent than the benefit or detriment which accrues generally to other members of the business, profession, occupation, or other group.

(c) A legislator who has a personal or private interest in a bill proposed or pending before the general assembly shall be subject to the requirements of title 8, chapter 50, part 5 requiring each member of the general assembly to file a conflict of interest disclosure statement and to any other statute or rule of the house or senate of which such legislator is a member, concerning statements of a member in relation to a bill, section thereof, or amendment in which the legislator has a personal interest.

(d) The right of legislators to represent their constituencies, however, is of such major importance that legislators should be barred from voting on matters of direct personal interest only in clear cases and if the matter is particularly personal.

(e) The provisions of this section shall not be construed to prohibit any member of the general assembly from voting on the general appropriations bill.